

# Notice of Allowability

Application No.

10/733,151

Examiner

Raymond W. Addie

Applicant(s)

LARSEN, GREGORY ALAN

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment to the claims filed 8/4/05.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
RAYMOND ADDIE  
PRIMARY EXAMINER

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gregory Larsen on 3/12/07.

The application has been amended as follows:

#### **In the Claims:**

Claim 1, as amended 8/4/05 has been replaced in its entirety with the following New Claim 1. A portable, walk behind, pavement heater, having a self-contained fuel source and a wheeled frame, the pavement heater comprising:

A heating assembly having multiple heating elements pivotable about respective pivot axis from a retracted, transport configuration, to an extended operational configuration; as well as,

A track rail extending along a longitudinal centerline of the pavement heater and a;

Motorized trolley, connect to the heating assembly, and having a reduction gear

mechanism, for selectively moving the heating assembly fore and aft, along the track rail;

A track rail pivot assembly, to permit the track rail to be pivoted upwardly and rearwardly, into a retracted position, and pivoted downwardly into an operating configuration.

Claim 2. The pavement heater of claim 1, wherein the heating elements comprise stainless steel.

Claim 3. The pavement heater of claim 1, wherein the wheeled frame comprises pneumatic swivel casters.

Claim 4. The pavement heater of claim 3, wherein the pneumatic swivel casters further comprise locking devices.

Claim 5. The pavement heater of claim 1, wherein the heating elements include baffles that safeguard against flame outs during windy conditions and provide heat protection for thermocouples.

Claim 6. A portable, walk behind, pavement heater, having a self-contained fuel source and a wheeled frame, the pavement heater comprising:

A heating assembly having multiple pivotable heating elements; the heating assembly further comprising:

A pivotable track rail extending along a longitudinal centerline of the pavement heater;  
A motorized trolley, connect to the heating assembly, and having a reduction gear mechanism, for selectively moving the heating assembly fore and aft, along the track rail.

At least one lever arm, operatively connected to the heating elements, and are manually manipulated to both raise and lower the heating assembly relative to the surface being heated.

Claim 7      The pavement heater of claim 6, wherein motion of the motorized trolley is controlled with respect to direction and speed, thereby controlling the duration and of heating applied to the surface to be heated.

Claim 8      The pavement heater of claim 7, wherein the distance of travel of the motorized trolley can be controlled in a cyclical manner selectively controlled by at least one limit switch.

Claim 9      The pavement heater of claim 8, wherein the position of the at least one limit switch is selectively adjustable, thereby controlling the cyclical distance traveled by the motorized trolley.

**In the Abstract:**

In line 1, the phrase "designed" has been removed.

Line 2, the phrase "There is provided a method of adjusting", has been replaced with the phrase --It is possible to adjust--.

Lines 3-5, the phrase "and a design featuring a upper portion mounted atop a lower portion rotatable mounted on the upper and lower portion for rotation about a pinned axis. As well there is a method" has been replaced with--. The provision--.

Line 6, after the phrase "movement", the phrase --of the heating elements permits the device to be retracted into a transport configuration.--.

Line 6 the phrase "forward and reverse of the heating elements a graduated heating process featuring radially shaped track rails that support radially shaped rollers." has been replaced with the phrase --Forward and reverse motion of the heating elements permits a graduated heating process to be performed.--

Line 8, the phrase "Fold-up" has been changed to --The fold-up--.

***Allowable Subject Matter***

2. Claims 1-9 are allowed.

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***Drawings***

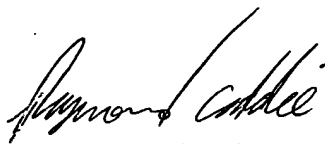
3. The drawings were received on 8/4/2005. These drawings are acceptable.

***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 571 272-6986. The examiner can normally be reached on 7am-2:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**Raymond Addie**  
**Primary Examiner**  
**Group 3600**

3/14/07